

SENATE BILL No. 387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-15.

Synopsis: Reporting requirements for PTABOAs. Provides that a taxpayer waives the right to obtain a review of a county property tax assessment board of appeals (PTABOA) action or decision concerning the taxpayer's notice for review, if the taxpayer or taxpayer's representative fails to appear at the PTABOA hearing on the notice for review. Requires each PTABOA to submit an annual report of the notices for review filed with the PTABOA in the preceding year. Requires that the report must include the following: (1) The total number of notices for review filed with the PTABOA. (2) The number of notices for review that were resolved by a preliminary informal meeting. (3) The number of notices for review in which a hearing was conducted by the PTABOA. (4) The number of written decisions issued by the PTABOA. (5) The number of decisions pending with the PTABOA. Requires that the report must be submitted to the department of local government finance, the Indiana board of tax review, and the legislative services agency.

Effective: July 1, 2015.

Hershman

January 12, 2015, read first time and referred to Committee on Tax & Fiscal Policy.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 387

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-15-1, AS AMENDED BY P.L.257-2013,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1. (a) A taxpayer may obtain a review by the
4 county board of a county or township official's action with respect to
5 either or both of the following:
6 (1) The assessment of the taxpayer's tangible property.
7 (2) A deduction for which a review under this section is
8 authorized by any of the following:
9 (A) IC 6-1.1-12-25.5.
10 (B) IC 6-1.1-12-28.5.
11 (C) IC 6-1.1-12-35.5.
12 (D) IC 6-1.1-12.1-5.
13 (E) IC 6-1.1-12.1-5.3.
14 (F) IC 6-1.1-12.1-5.4.
15 (b) At the time that notice of an action referred to in subsection (a)
16 is given to the taxpayer, the taxpayer shall also be informed in writing



of:

- (1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and
- (2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

- (1) May 10 of the year; or
- (2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

- (1) The name of the taxpayer.
- (2) The address and parcel or key number of the property.
- (3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

- (1) initiates a review under this section; and
- (2) constitutes a request by the taxpayer for a preliminary



- 1 informal meeting with the official referred to in subsection (a).
 2 (h) A county or township official who receives a notice for review
 3 filed by a taxpayer under subsection (c) or (d) shall:
 4 (1) immediately forward the notice to the county board; and
 5 (2) attempt to hold a preliminary informal meeting with the
 6 taxpayer to resolve as many issues as possible by:
 7 (A) discussing the specifics of the taxpayer's assessment or
 8 deduction;
 9 (B) reviewing the taxpayer's property record card;
 10 (C) explaining to the taxpayer how the assessment or
 11 deduction was determined;
 12 (D) providing to the taxpayer information about the statutes,
 13 rules, and guidelines that govern the determination of the
 14 assessment or deduction;
 15 (E) noting and considering objections of the taxpayer;
 16 (F) considering all errors alleged by the taxpayer; and
 17 (G) otherwise educating the taxpayer about:
 18 (i) the taxpayer's assessment or deduction;
 19 (ii) the assessment or deduction process; and
 20 (iii) the assessment or deduction appeal process.
 21 (i) Not later than ten (10) days after the informal preliminary
 22 meeting, the official referred to in subsection (a) shall forward to the
 23 county auditor and the county board the results of the conference on a
 24 form prescribed by the department of local government finance that
 25 must be completed and signed by the taxpayer and the official. The
 26 form must indicate the following:
 27 (1) If the taxpayer and the official agree on the resolution of all
 28 assessment or deduction issues in the review, a statement of:
 29 (A) those issues; and
 30 (B) the assessed value of the tangible property or the amount
 31 of the deduction that results from the resolution of those issues
 32 in the manner agreed to by the taxpayer and the official.
 33 (2) If the taxpayer and the official do not agree on the resolution
 34 of all assessment or deduction issues in the review:
 35 (A) a statement of those issues; and
 36 (B) the identification of:
 37 (i) the issues on which the taxpayer and the official agree;
 38 and
 39 (ii) the issues on which the taxpayer and the official
 40 disagree.
 41 (j) If the county board receives a form referred to in subsection
 42 (i)(1) before the hearing scheduled under subsection (k):



(1) the county board shall cancel the hearing;

(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and

(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.

(k) If:

(1) subsection (i)(2) applies; or

(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give at least thirty (30) days notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board. A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, not later than ten (10) days after the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance, or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment or deduction decision; and



(B) the reasons the taxpayer's contentions should be denied. A penalty of fifty dollars (\$50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court. The penalty may not be added as an amount owed on the property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

(m) If the taxpayer or the taxpayer's representative fails to appear at the hearing required under subsection (k) and, under subsection (k), the:

- (1) taxpayer's request for continuance is denied; or**
- (2) taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or notice of withdrawal is not timely filed;**

the taxpayer waives the right to obtain a review of the county board's action or decision under this section concerning all of the issues scheduled for review at the hearing.

~~(m)~~ (n) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

- (1) Initiate the review.
- (2) Prosecute the review.

~~(n)~~ (o) The county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

~~(o)~~ (p) **Subject to subsection (m),** if the maximum time elapses:

- (1) under subsection (k) for the county board to hold a hearing; or
- (2) under subsection ~~(n)~~ (o) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any



time after the maximum time elapses.

SECTION 2. IC 6-1.1-15-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. (a) This section applies beginning January 1, 2016.**

(b) Each county board shall annually submit a report of the notices for review filed with the county board under section 1(c) and 1(d) of this chapter in the preceding year to the department of local government finance, the Indiana board, and the legislative services agency before April 1 of each year. A report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

(c) The report required by subsection (b) must include the following information:

(1) The total number of notices for review filed with the county board.

(2) The notices for review, either filed or pending during the year, that were resolved during the year by a preliminary informal meeting under section 1(h)(2) and 1(j) of this chapter.

(3) The notices for review, either filed or pending during the year, in which a hearing was conducted during the year by the county board under section 1(k) of this chapter.

(4) The number of written decisions issued during the year by the county board under section 1(o) of this chapter.

(5) The number of notices for review pending with the county board on December 31 of the reporting year.

The report may not include any confidential information.

SECTION 3. IC 6-1.1-15-3, AS AMENDED BY P.L.1-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a) Except as provided in IC 6-1.1-15-1(m),** a taxpayer may obtain a review by the Indiana board of a county board's action with respect to the following:

(1) The assessment of that taxpayer's tangible property if the county board's action requires the giving of notice to the taxpayer.

(2) The exemption of that taxpayer's tangible property if the taxpayer receives a notice of an exemption determination by the county board under IC 6-1.1-11-7.

(b) The county assessor is the party to the review under this section to defend the determination of the county board. At the time the notice of that determination is given to the taxpayer, the taxpayer shall also be informed in writing of:



- (1) the taxpayer's opportunity for review under this section; and
- (2) the procedures the taxpayer must follow in order to obtain review under this section.

(c) A county assessor who dissents from the determination of an assessment or an exemption by the county board may obtain a review of the assessment or the exemption by the Indiana board.

(d) In order to obtain a review by the Indiana board under this section, the party must, not later than forty-five (45) days after the date of the notice given to the party or parties of the determination of the county board:

- (1) file a petition for review with the Indiana board; and
- (2) mail a copy of the petition to the other party.

(e) The Indiana board shall prescribe the form of the petition for review of an assessment determination or an exemption by the county board. The Indiana board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. A petition for review of such a determination must be made on the form prescribed by the Indiana board. The form must require the petitioner to specify the reasons why the petitioner believes that the assessment determination or the exemption determination by the county board is erroneous.

(f) If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

- (1) Initiate the review.
- (2) Prosecute the review.

